WRS

ZIMMERMAN, KUHN, DARLING, BOYD, TAYLOR AND QUANDT, PLC
LAW OFFICES

412 SOUTH UNION STREET
P.O. BOX 987
TRAVERSE CITY, MICHIGAN 496850987
TELEPHONE 231-941-5000
FACSIMILE 231-941-5154

JOSEPH J. ZIMMERMAN
R. EDWARD KUHN
A. BROOKS DARLING
JAMES W. BOYD
DENNIS K. TAYLOR
JOSEPH E. QUANDT
ERIC W. PHELPS
JULIE A. HARRISON
GINA A. BOZZER
MICHAEL J. LONG
GREGORY J. DONAHUE
JENNIFER R. BERRY

Lansing Office:
3130 Pine Tree Road
Lansing, MI 48911
Telephone 517-394-1180
Facsimile 517-393-1791

CHARLES H. MENMUIR
1903-1987

Of Counsel:
LEWIS G. GATCH

August 9, 2005

VIA FAX - 517/373-2040
Mr. Barry H. Selden, Chief
Water Division
Michigan Dept of Environmental Quality
Constitution Hall
525 West Allegan Street
Lansing, MI 48909

VIA FAX - 517/373-2040
Mr. Rick Rusz
Water Division
Michigan Dept of Environmental Quality
Constitution Hall
525 West Allegan Street
Lansing, MI 48909

VIA FAX - 517/241-8133
Mr. James Janiczek
Water Bureau
Michigan Dept of Environmental Quality
P.O. Box 30273
Lansing, MI 48909

VIA FAX - 517/241-8133
Mr. Thomas Weston
Water Bureau
Michigan Dept of Environmental Quality
P.O. Box 30273
Lansing, MI 48909

VIA FAX - 231/775-1511
Ms. Janice Heuer
Environmental Engineer, Water Bureau
Michigan Dept of Environmental Quality
Cadillac District Office
120 W. Chapin Street
Cadillac, MI 49601-2158

Re: Williamsburg Receiving and Storage, LLC

Dear Ladies and Gentlemen:

As we discussed yesterday, enclosed please find the request of Williamsburg Receiving and Storage for a modification of the current Administrative Consent Order (WMD Order #31-07-02) to allow for an interim discharge of process wastewater. This request is being made as an interim measure only until the Department can act upon and issue a final determination consistent with an application for permit modification which will be provided to the Department by September 1, 2005, consistent with the request of Mr. Richard Powers of your office in his letter to Williamsburg Receiving and Storage dated July 25, 2005. As we discussed yesterday, my client intends to fully

comply with the wastewater characteristic limitations expressed in their currently active permit to discharge. In concept, this would be accomplished by Abatching@ processed wastewater with fresh dilution water, verifying that the batched wastewater and dilution water mix meets discharge characteristics and then discharging this mix after characteristic verification by discharging to a rapid infiltration basin to be constructed consistent with the proposal and design parameters attached. I believe that this approach can also be considered a pilot test for long term application as part of the overall permit modification. (Please see EPA design manuals referenced in the Part 22 rules which favor pilot testing for base infiltration tests.) Thus, I think authority to approve this interim measure can be found not only under the auspices of Section 2 and Section 3 of the current Administrative Consent Order but also as part of a pilot test program as referenced in the Part 22 rules.

On the long term, it is our hope to separate the brine rich waste streams by oscillating plant operations so that the richer waste streams can be captured and either sold for dust control or, if necessary, containerized and shipped to an appropriate disposal facility consistent with requirements under Part 121 of NREPA. Thus, the necessary volumes of discharge water will decrease significantly when the richer waste stream is separated.

I would appreciate your review and comments/approval for this measure at your very earliest convenience. As we discussed, my client is containerizing its processed wastewater and, once capacity is exhausted, the plant will have to close. Also, exhausting capacity for storage makes dilution more problematic, as we currently anticipate using sealed vessels for the purposes of batching and diluting processed water. If all the tanks are full, there will be no room to batch sufficient dilution waters.

Please review the enclosed proposal and provide your comments and suggestions at your very earliest opportunity. My client and I sincerely appreciate your attention to this matter.

Sincerely,

ZIMMERMAN, KUHN, DARLING,
BOYD, TAYLOR AND QUANDT, PLC

Joseph E. Quandt
Direct Dial: (231)947-7901 x115
jequandt@zimmerman-kuhn.com

JEQ:shp
enclosure
cc: Chris Hubbell

Table 1
Dillution Calculations for Plant Flows

Cherry Blossom, LLC
10190 Munro Road
Williamsburg, Michigan

Area/Process	Volume/Day [gal]	Volume/Day [L]	Average Cl- Conc [mg/L]	Average BOD [mg/L]	Average Na+ [mg/L]	Number of Lab Results	Sampling Dates	Volume for Cl- Dillution (gal) to 200 mg/L	Volume for BOD Dillution (gal) to 250 mg/L	Volume for BOD Dillution (gal) to 500 mg/L	Volume for Na+ Dillution (gal) to 120 mg/L
PITTING											
Transfer Losses	1,800	6,840									
Wash/Spray	2,650	10,070									
Effluent	4,450	16,910	228	1,090	93.5	4	July & Sept. 2002	695	15,010	5,271	-1184
SOAK/WASH											
Cherry Transfer	3,000	11,400	**6,000**	**51,400**	1,490	1	June 5, 2002	**97,040**	**616,167**	**306,578**	41259
Soak/Wash Tank Effluent	7,200	27,360	690	ND	298.8	13	Jan. & Feb. 2002	19,684			12923
Wash/Spray	1,100	4,180	20	0	20	BG		-1,104	-1,104	-1,104	-1104
Effluent Subtotal	11,300	42,940						*115,619*	*615,063*	*305,474*	*53,078*
COLOR											
Effluent	700	2,660	223	11,400	1,995	5	June 2003	90	31,340	15,319	13176
CONCENTRATOR											
Effluent	3,000	11,400	20	0	20	BG	NS	-3,012	-3,012	-3,012	-3012
FINISHING/PACKAGING											
Wash/Spray	1,600	6,080	20	0	20	BG	NS	-1,606	-1,606	-1,606	-1606
TOTAL DAILY VALUES:	**21,050**	**79,990**	**1,342**	**9,254**				**111,786**	**656,795**	**321,446**	**60,452**
Lean Plant Effluent	**18,050**	**68,590**	**346**	**711**				**14,746**	**40,628**	**14,868**	**19,193**
Effluent at Chloride Dillution	**32,796**	**124,626**	**190**	**393**							

NOTES:
ND = No Data
BG = Assumed background values from well
Shading indicates analytical data reported by other consultants
Plant discharges based on client provided flow measurements